

# Fax Cover Page

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Pages: 46

**To: U.S. Department of Justice**

**Attn.: Director, Office of Information Policy (OIP)**

**From: Brian David Hill**

**Fax ID: 276-790-3505**

**FOIA Appeal Case No. DOJ-AP-2017-002520**

**OGIS Mediation Case No. 201701674**

**--Letter to Office of Information Policy with last of necessary evidence attached--**

**\*\*\*\*\*Freedom of Information Act Appeal\*\*\*\*\***

**APPEAL and Response to FOIA Request to Executive Office for United States Attorneys – Re: FOIA-2016-03570**

**Saturday, March 11, 2017 - 12:14 AM**

**ATTN: Director**

**Office of Information Policy (OIP)**

**United States Department of Justice**

**Phone: (202) 514- 3642 (FOIA)**

**Fax: (202) 514-1009**

**FOIA Appeal Case No. DOJ-AP-2017-**

**002520 // OGIS Mediation Case No. 201701674**

**Office of Government Information Services**

**National Archives**

**Phone: (202) 741-5770 /// Fax: (202) 741-5769**

**CC: Office of the Inspector General**

**U.S. Department of Justice**

**Phone: (202) 514-3435**

**Faxed to: (202) 514-4001**

**CC: Office of Professional Responsibility**

**U.S. Department of Justice**

**Phone: (202) 514-3365**

**Faxed to: (202) 514-5050**

--Letter to Office of Information Policy with last of necessary evidence attached--

\*\*\*\*\*Freedom of Information Act Appeal\*\*\*\*\*

**APPEAL and Response to FOIA Request to Executive Office for  
United States Attorneys – Re: FOIA-2016-03570**

**Saturday, March 11, 2017 - 12:14 AM**

<b><u>ATTN: Director</u></b> Office of Information Policy (OIP) United States Department of Justice 1425 New York Avenue, NW, Suite 11050 Washington, DC 20530-0001 Phone: (202) 514- 3642 (FOIA) Fax: (202) 514-1009	<b><u>FOIA Appeal Case No. DOJ-AP-2017-002520 // OGIS Mediation Case No. 201701674</u></b> Office of Government Information Services National Archives 8601 Adelphi Road-OGIS College Park, Maryland 20740-6001 Phone: (202) 741-5770 /// Fax: (202) 741-5769
<b><u>CC: Office of the Inspector General</u></b> U.S. Department of Justice 950 Pennsylvania Avenue, N.W., Suite 4706	Washington, D.C. 20530-0001 Phone: (202) 514-3435 Faxed to: (202) 514-4001
<b><u>CC: Office of Professional Responsibility</u></b> U.S. Department of Justice 950 Pennsylvania Avenue, N.W., Suite 3529	Washington, DC 20530-0001 Phone: (202) 514-3365 Faxed to: (202) 514-5050

Dear Office of Information Policy (OIP), Re: Case No DOJ-AP-2017-002520,

Last of the evidence, pursuant to Freedom of Information Act Appeal, in support of basis that records were secretly withheld by somebody working within the U.S. Attorney Office in Greensboro, North Carolina, and that the U.S. Attorney Office concealed the true number of records from the paralegal working for the Executive Office for United States Attorneys (EOUSA) conducting the FOIA records search as per my request (FOIA Case No. FOIA-2016-03570) and concealed or covered up the amount of pages that had existed within my original discovery packet for my case. Heck they basically concealed information from your own agency which is deceptive and may be construed as defrauding the Federal Government by concealing certain and specific information and records that were supposed to exist within the U.S. Attorney Office. They didn't allow the FOIA Office of EOUSA to determine what records should be withheld from me, but instead they withheld records and acted through deceptive means that what I had received in my FOIA response packet was all that exists in the records concerning my discovery packet, when that is not the truth. Deceptive means, records being covered up or concealed or even destroyed, and then the U.S. Attorney has a proven intent to try to do whatever it possibly takes to prevent me from proving my actual innocence to the charge of possession of child pornography. The U.S. Attorney didn't just deceive the FOIA Office of EOUSA, also he had a knowing liar testify on the stand on June 30, 2015, knowingly committing one or multiple felony counts of perjury to attempt to get my

Supervised Release revoked to make me spend two years in Federal prison, but that the U.S. Attorney has blocked a Motion to Reconsider, and has falsely claimed that I am behind the child porn tormail.org attacks against Luke Rudkowski, Susan Basko, Stewart Rhodes, and others without proof or any evidence, again with an intent to further prevent me from proving my innocence by lying about me multiple times in Federal Court.

With all of the evidence of corruption, obstruction of justice (false information in Federal records in a Federal investigation/prosecution), allowing perjury and subornation of perjury while lying at my Probation Revocation hearing that he (AUSA Anand P. Ramaswamy) personally believes I may be behind the tormail.org attacks without any proof at all, and the last possible criminal act is deceiving the paralegal searching for the records responsive to my FOIA Request (Case No. FOIA-2016-03570).

Regardless of the Administrative decision by the Office of Information Policy will make regarding my FOIA Appeal (DOJ-AP-2017-002520) pursuant to my FOIA Request (FOIA-2016-03570), I have supplied sufficient evidence to your agency that the U.S. Attorney Ripley Rand, and Assistant U.S. Attorney Anand Prakash Ramaswamy, or somebody working at their office, have played dirty games throughout my criminal case that may have even violated criminal statutes under Federal Law. False information in Federal documents and records, including outright perjury and lies on Federal Court records, and nobody there has ever got in trouble for any of these concerns. This is more than a FOIA Request or FOIA Appeal, the U.S. Attorney is out for my blood enough to violate Federal laws and commit commissions of federal crimes against me and my family. I am a victim of malicious persecution, I mean malicious prosecution that extends to bullying me into giving up on proving my actual Innocence in front of a Jury of my peers and cross examining the witnesses and evidence under the adversarial system as directed by the Bill of Rights under the United States Constitution, and Federal laws or rules.

I shall submit further evidence of coverup or concealment of Federal records within the U.S. Attorney Office concerning discovery evidence records in my criminal case. It is not the case that records were entirely transferred back to the "original investigative agency" as per U.S. DOJ policy for the U.S. Attorneys. If that was indeed the case then why did I receive any records at all which have portions of what was in my entire discovery packet within my criminal case, a discovery packet that was withheld from me by my own Public Defender Eric David Placke that was aiding the U.S. Attorney behind my back to scare me into falsely taking the guilty plea agreement and put me at risk of a perjury charge if I dare file a 2255 Motion or ask for a New Trial. Even colluded to the point where I kept begging the Government to prove my Innocence but instead I was forced to agree to register as a Sex Offender which of course would be for ten years if I had decided to live in the State of North Carolina, and of course I am forced to register for fifteen years of my life by deciding to stay in the Commonwealth of Virginia. All because the Government wanted and desired to work with my defense Attorney behind my back, order me not to make any photocopies of any of the discovery agreement

evidence when the papers that I did receive from my FOIA packet were photocopied which I couldn't do with the original discovery evidence used against me. My FOIA Request is my own means left to exercise my rights to request discovery in my criminal case, to which I am permitted to inspect, make copies of, make photographs of, and have expert witnesses review the evidence to help aid in my criminal defense under the adversarial system. All of my rights under my criminal case were denied, withheld from me, and I was threatened with up to twenty years in federal prison if I didn't waive my rights that I was never given by the U.S. Attorney, before the Jury Trial was to commence. This ain't just ineffective Counsel by only agreeing to work with the U.S. Attorney to ensure a good guilty plea but structural defect, prosecutorial misconduct, malicious prosecution, and Constitutional defect to such an extent that I was not in a Article III court of law but a kangaroo Court tribunal by a U.S. Attorney that was willing to cover up or conceal any records that are favorable to the Defense.

The FOIA Request (FOIA-2016-03570) was my only option to get access to the discovery records and material that the U.S. Attorney had originally used against me, gives me my Constitutional right to cross examination and be able to defend myself via the affirmative defense of "frame up" (that I never had due to bad counsel that collaborated with the U.S. Attorney since the beginning. The email between my own Attorney and the U.S. Attorney and other actions affirm my suspicions).

Here is more evidence that should be considered in the course of my FOIA Appeal and possible FOIA lawsuit if it is necessary to prevent the issue that I am concerned over of the U.S. Attorney that may be covering up, destroying, concealing, changing the evidence records, or add false evidence in the event that I take it back to a trial. North Carolina Dentist Dr. Kirk Turner was a victim of SBI Agent Deaver and SBI Agent Gerald Thomas in a scandal involving manufacturing evidence in his murder case. In one particular news article that I saw in 2013, it said that the SBI case file was changed in secret and the lawyer caught that, where the SBI Agent changed his report without notifying that he added changes to it. Jury found Dr. Kirk Turner innocent under affirmative defense of self defense. SBI Agent Gerald Thomas was involved in the Search Warrant (used to raid my home) with Reidsville PD Detective Robert Bridge, and the request went through Cheryl King of the NC SBI. Later on SBI Assistant King ended up dead in 2014 while I was in jail, and the SBI knew she was "six feet under" when I spoke over the phone with somebody at the Raleigh SBI Office. I went to her supervisor and got hit by another brick wall where the SBI Attorney Angel Gray says I have no right to the records that were being used against me, that led to me being raided and indicted in Federal Court.

Exhibit 1 talks about the Town of Mayodan stating that I don't have a right to access or have a copy of the confession audio CD containing my false confession. So they can use it against me in a public jury trial, they can use it to falsely make me look like a pedophile, but I was told in this letter that I have no right to prove my confession to be false. Exhibit 2 shows my response to Town Clerk Melissa K. Hopper stating that the



Town of Mayodan have ruined my life by refusing to let me prove my Innocence, by refusing to let me have access to any of the evidence that was used in the Grand Jury proceeding and indictment against me. Exhibit 3 and Exhibit 4 talk about the ongoing battle where I kept asserting Writ of Habeas Corpus as purpose as to why I need the copy of the confession Audio CD. I also explained that I had wanted to prove my Innocence, and that I am not allowed on dating sites because I am a (false) Sex Offender, and Phil Berger doesn't care about my begging to prove my innocence.

Exhibit 5 proves that the NC SBI has also denied my request for access to the SBI forensic report. Later on the SBI even lied to me and my Attorney by claiming "they will give access to whatever she deems necessary." The reason why is that I asked former FBI Agent and private investigator Kevin Wetzel to consider conducting a independent forensic examination of my seized computer. He lives in North Carolina, works there, and I live in Virginia, both one party consent states for recording personal phone calls. He told me over the phone that the SBI has responded to each one of his requests to examine a seized computer to conduct a forensic examination at the SBI. He said it is interesting because they have not returned his call on getting the paperwork ready to examine my Black Toshiba Laptop Computer, Satellite C655D, seized computer in SBI custody. So the NC SBI is refusing to let me prove my actual innocence and is stonewalling me too. My only option is my FOIA Request to the U.S. Attorney. Every other option is blocked while every 3 months I get a visit from the State Police over my Sex Offender registration, which is ridiculous. I continue being treated like a criminal for my Autism while the Mayodan Police and the SBI both refuse to let me prove my Innocence, in all directions. I respond under letter cited under Exhibit 6, sending her a copy of the threat email that I had personally received from tormail.org where it said they know some people in the SBI that will make sure that I com convicted. I let them know that I am fully aware of their criminal misconduct at the SBI, that they haven't changed since the manufacturing of evidence in the Dr. Kirk Turner case in Winston Salem. The SBI is still manufacturing evidence or pulling some other kind of criminal behavior because none of them are being held accountable as they should be.

Exhibit 7 and Exhibit 8 are the most important to cross examine.

In both of those exhibits, by reading the full search warrant, Reidsville PD Detective Robert Bridge admit to watching child pornography videos and then describes what each suspected video is about. He lists the hash code for the public file sharing network, he tells what the video is about, and even the file name. All in a public Search Warrant. So then we go to the SBI forensic report and it doesn't confirm whether the files claimed in Detective Bridge's Search Warrant Affidavit were even downloaded to the computer. That is the most important way to prove a suspect guilty is always to confirm whether the files being downloaded were actually downloaded onto the suspect's computer by eMule. I had even faxed a letter to J. Joy Strickland, the current Legal Counsel for the N.C. State Crime Laboratory, asking about whether the files that

Detective Bridge publicly put in his Search Warrant Affidavit (For example one Search Warrant term was "*Ptsc Mom & Daughter In Bath.mpg*") were even found on my computer. The truth is I got no answer. I got no answer from J. Joy Strickland and no answer from SBI Agent Rodney V. White.

Why is it that Robert Bridge's whole basis for having my home raided by Mayodan Police, are on suspected child porn videos but there is no confirmation by SBI Agent White nor anybody else as to whether this exact video was even downloaded on my Laptop. With no confirmation, heck the police had my computer, they can clearly locate the suspected child porn file? Yet no confirmation?

*"Ed2k hash value: 60492779477159DD2DA1DB8EE57D6995. File name: "Ptsc Mom & Daughter In Bath.mpg." Detective Bridge has personally seen and knows the file with this digital signature to be a movie file that shows an adult female in a shower with a prepubescent female. Later in the video, the prepubescent female is show masturbating and using a vibrator. The adult female and prepubescent female engage in oral sex, along with other sex acts." - Source: Robert Bridge's Search Warrant Affidavit*

It is ironic that none of the pages from the public Search Warrant were even listed in the U.S. Attorney's files of what was requested via EOUSA FOIA Request # FOIA-2016-03570. I got redacted copies of the inventory (incl. 5 repetitive pages of a empty form as I have shown in my Evidence Video that was mailed at an earlier time) which of course would not be legally feasible without either a Search Warrant or a signed statement or proven verbal statement of me waiving my right to the Fourth Amendment of the U.S. Constitution that provides "*protection against unreasonable search and seizures*" and that "*no warrant shall issue but upon probable cause.*" So there should have been a Fourth Amendment waiver where I would have legally waived my right and allowed the police to search my home pursuant to their investigation or that a Search Warrant should have been in the U.S. Attorney's files since they have the inventory concerning my seized property. Why would the U.S. Attorney be removing or make it where certain records I receive via my FOIA Request but then certain other papers and even pages of existing records (in the U.S. Attorney Office) are not included that all matter in regards to a criminal case and prosecution? The U.S. Attorney knew that my FOIA Request would allow me to cross examine the evidence and give me a chance to prove my innocence since I was barred from that in my entire criminal case from my arrest on December 20, 2013, to my final conviction on November 12, 2014. Why would the U.S. Attorney and my own public defender refuse me any of my Constitutional rights prior to Jury Trial, then I would be threatened with twenty years in prison if I didn't plead guilty? Threaten me to face perjury if I prove my Innocence? Then turn around and fetter what records I get in my FOIA Request in regards to my discovery evidence which I have a right to under Federal and State discovery laws. Adam Walsh Act only prohibits disclosure and photocopying of actual child porn files and any information that can compromise the safety of child exploitation and sex abuse victims. None of the information I had requested in my FOIA

Request, and none of the discovery papers contained any information that would be barred from disclosure as the only victim of what the U.S. Attorney had called forth as my alleged-violation was Victim #1: The State of North Carolina. My only victim was a State Government entity to which I had legally threatened under the First Amendment and legal rights to work on a legal action to attempt to remove a corrupt State Senator named Philip Edward Berger Senior, whom is also the Town Attorney of Mayodan, to which it's Police Department decided to Federally indict me and cover up evidence.

With no child porn files matching the claimed files in the Search Warrant how can they call this a case? How can they just simply claim that they think I had downloaded specific tracked (by ICAC Task Force as it was supposed to work with the National Center for Missing and Exploited Children) child porn files from a public file-sharing network such as eMule that is accessible to the world while not confirming that any suspected files were even downloaded to any computer I owned or operated online? They weren't even really trying to prove my guilt but were trying to produce enough convincing evidence to make the Grand Jury in Federal Court think that I am guilty enough for an indictment. In other words, they didn't see where the evidence led them, they (meaning the SBI Agent conducting the forensic report and the Mayodan Police) didn't really check to confirm whether Detective Bridge tracked downloaded files to the actual physical computer, and verified whether those same files were found on my computer and were used by eMule. What they did was simply claim that I was guilty and make it convincing for a Jury. In other words they wanted to make their faulty theory look as though it were factual when it fact it wasn't, causing multiple reasonable doubts without even evidence input from the Defendant.

Exhibit 8 further states my facts that the evidence surrounding guilt are not consistent to sustain a valid criminal conviction that would convince a Jury beyond reasonable doubt that I am even guilty. All they relied upon was threatening me to falsely confess at the Mayodan Police Department and threaten me with 20-years in Federal prison (likely in a Penitentiary) if I did not waive my right to prove my innocence to a Jury, then cover up their own evidence to which threatens the credibility and integrity of keeping me convicted, if I decide to file a Motion for a New Trial or Writ of Habeas Corpus.

"According to the government, none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC)," ... and  
"However, the victims in this case have not filed a claim for restitution."

Why would the U.S. Attorney or EOUSA lie in the FOIA Response (FOIA-2016-03570) and make a false claim that "It appears that you are an inmate in a Federal correctional facility, which is under the jurisdiction of the Bureau of Prisons. Access to your PSR therefore will be granted in accordance with the enunciated policy of the Bureau of Prisons"? Why would the U.S. Attorney need to lie that I am an inmate in a Federal Prison that is owned and operated by the Federal Bureau of Prisons (FBOP), when I sent

my FOIA Request from 310 Forest Street, Apartment 2, Martinsville, VA, which is not a Federal prison, and is not under any jurisdiction of the FBOP?

The U.S. Attorney does not know that I already have a copy of my PSI report, unredacted, copies given to my Ex-Attorney Cynthia Everson, and copy stored in my VentaFax Log Book in the case that I need to use it as evidence to further prove my claim of Innocence. I believe he doesn't want me to have a copy of my PSI because of the one paragraph in there where the U.S. Attorney (The Prosecutor), admitted that "none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC)." That contradicts Reidsville PD Detective Robert Bridge's statements in his Search Warrant that was in the discovery packet at John Scott Coalter's Office but was mysteriously removed or concealed at the U.S. Attorney Office before my FOIA Request was acted upon by EOUSA of the U.S. Justice Department.

So Detective Bridge claimed that I downloaded specific child pornography videos, comes to my home with the Mayodan Police with a signed Search Warrant, claims that I downloaded the specific files and he worked undercover to track child porn files that he was aware of that is apart of known child porn series or collections, then the U.S. Attorney admits that none of the children have been identified as part of a known series, YEAH, out of over 1,000 files they claimed that I possess under the PSI Report, none of them are of any publicly shared or well known child porn series????????? Why is the Government contradicting itself? And Why is my confession contradictory to what SBI Special Agent Rodney White has claimed was found on my computer? Why would he only claim that I had thousands of "files of interest were noted" including photos and videos? He doesn't check for viruses as required by State Crime Laboratory Policy, doesn't confirm any "files of interest" to being actually confirmed child pornography, and then he passes this on to Anand Prakash Ramaswamy for my Federal indictment without proving if each "file of interest" was even of actual child pornography? That means that I have no victims, I never victimized anybody except calling for the impeachment or removal of N.C. State Senator Philip Edward Berger Senior? I guess I must have victimized North Carolina but that does not warrant excessive criminal investigation meant to kill my character instead of actually proving me (as a suspect) or the real culprit guilty by letting the evidence lead them to who committed the offense.

The reason I am making a issue out of a PSI report that I already have, is because I want to prove every element of intent that I believe the U.S. Attorney is covering up, lying, or concealing, to control my case to the point where I am denied all Constitutional rights to which would lose the U.S. Attorney's case. Evidence and legal assistance that was needed to prove my innocence and/or have me found "Not Guilty" by a Jury or Judge was all denied from me. The U.S. Attorney doesn't want me to be permitted to any of my Constitutional and legal rights for criminal evidence discovery in my case. The U.S. Attorney knew that my FOIA Request is my last stand to gather the Discovery evidence, that I was entitled to as a criminal Defendant but denied by judicial corrupt and Judges



favoring my own Public Defender. My only chance to prove my actual Innocence is with this FOIA Request to the EOUSA. My FOIA Appeal is to protect my Constitutional rights that I was never granted. My right to inspect and make copies of any evidence (not prohibited by the Adam Walsh Act specific guidelines) was all denied and controlled beyond the point to where evidence can be covered up if the U.S. Attorney suspects that I have any valid basis to prove my Innocence.

I have demonstrated and proven my points of intent, and have shown proof that certain evidence records were covered up by the U.S. Attorney Office in Greensboro, NC. I do not know who exactly engaged in lying to the Government or defrauding the Government by making false claims or by the cover up or concealment of official Government records, but the evidence clearly shows probable cause that somebody within the U.S. Attorney Office has engaged in deceptive practices against me and the FOIA Office of EOUSA, to further prevent me from being found Not Guilty and avoid a wrongful conviction. The U.S. Attorney has damaged me to the point where I faced a possible Probation Revocation because I was removed from mandatory Sex Offender Group Counseling simply because I signed Declarations to them and submitted other evidence and/or testimony as to why I am Innocent of my wrongful conviction. The U.S. Attorney has bullied me and arranged a plea deal, to force me to sign and disclose false information on Federal Court record, when I wanted to be honest, but honesty didn't matter to my Public Defender, nor did honesty mattered to the U.S. Attorney. They wanted me to lie under Oath in Court record of only my guilt or make me go to prison for 20-years with no right to proving my innocence. They knew my diabetes was in bad shape, but again the U.S. Attorney didn't care about that either, and neither did my Public Defender.

The FOIA Appeal and all evidence submitted in regards to OIP FOIA Appeal case no. DOJ-AP-2017-002520, doesn't just demonstrate that the EOUSA has erred in their FOIA Response, but has also demonstrated that the U.S. Attorney has engaged in purging records that can be used, in any way, shape, or form, that would be favorable to my criminal defense in my case in Federal Court. I call for the Office of Professional Responsibility, and the Office of the Inspector General to serious consider investigating then impose sanctions on the U.S. Attorney Office in Greensboro, NC, and possibly have the Attorney General Jeff Sessions file a Motion for acquitting me on both innocence and Constitutional grounds. I also want the concealed or covered up records to be located then a copy dispersed to me ASAP to correct the errors in the EOUSA's FOIA response packet.

Under FOIA and discovery rights, as well as my rights under the Constitution, as well as Writ of Habeas Corpus, I have a right to discovery packet of records.

My FOIA Appeal has a valid basis for copies to or access to all records in my case.

*Brian D. Hill*  
Signed

**U.S.W.G.O.**

Thank You & Sincerely,  
Brian D. Hill

Former news reporter & Founder of USWGO Alternative News  
Home Phone #: (276) 790-3505  
310 Forest Street, Apt. 2. Martinsville, VA 24112

**Declaration of Evidence Attachments to above Letter**

**Saturday, March 11, 2017 - 02:33 AM EST**

**Declaration authorized by Title 28 U.S.C. § 1746**

**I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:**

- 1. Whereas, I am a Defendant in the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled: United States of America v. Brian David Hill, and I am pushing for a Presidential Pardon on the basis of Innocence. I am not a licensed attorney, but I am slowly learning more about the Federal Rules and filing procedures as I was not being represented by any of the Court Appointed lawyers in the past for trial Defense under the adversarial system, See U.S. Supreme Court Case Strickland v. Washington, 466 U.S. 668 (1984).**
- 2. My own Assistant Federal Public Defender (Pretender) Eric David Placke secretly signed a discovery agreement saying that I cannot get access to the discovery evidence that was used against me except only through my Attorney, meaning that I have to visit my Attorney's Office each time that I just want to get access to my discovery packet, and my court appointed Attorneys has a vested interest to keep me wrongfully convicted and never wanted me to prove my Actual Innocence.**
- 3. I filed a FOIA Request to the Executive Office for U.S. Attorneys for the purpose of requesting all evidence from my discovery packet outside of the secretive discovery rules that were agreed upon by my Public Pretender (without my consent, even though the SBI case file and other records have pages that cannot be barred by the Adam Walsh Act in regards to discovery restriction). Photocopying would have been allowed giving me the ability to retain a copy of the discovery evidence but my Attorney wouldn't have it, wouldn't let me have any opportunity to be found "not guilty". Eric Placke made sure that I will never be able to use the discovery evidence against the U.S. Attorney to help prove my Innocence, badgered me into a plea agreement thanks to the U.S. Attorney Office. I was told I couldn't photocopy anything and I wasn't even permitted to the secretive discovery agreement caused by my own Public Pretender. I don't even know if it even exists as I have never seen it.**
- 4. On February 18, 2017, I had received the FOIA Response letter (FOIA Request No. FOIA-2016-03570) dated February 16, 2017, as well as the enclosed packet of papers that were attached to the letter, from Assistant Director Kevin Krebs, of the Freedom of Information and Privacy Staff working for the 'Executive Office for United States Attorneys' (EOUSA) of the U.S. Department of Justice (U.S. DOJ). On February 19, 2017, myself, Stella Forinash, Kenneth Forinash, and Roberta**

Hill reviewed over the papers on the table. We saw a portion of the original evidence that was used against me by the U.S. Attorney, as per my FOIA Request, but a select number of records of evidence were not included in the FOIA Response envelope. Some of the copy of records that I did get in regards to my FOIA Request (FOIA-2016-03570) looked similar to the records that I had reviewed in my Discovery packet of evidence at Attorney John Scott Coalter's office on January 22, 2015, months after my final conviction on November 12, 2014. The Police Report also mentions about a full audio copy of my confession (which I can prove to be a false confession). A copy of Mayodan Police Department photos and even pages from the seized items Inventory. All of that was in the packet of papers that I had received from the FOIA Office of the Executive Office for U.S. Attorneys (EOUSA).

However the information and records that are missing from the envelope is the "confession audio CD" and the SBI case file aka the "SBI forensic report" that was originally used against me, and I am fully aware that it is in the U.S. Attorney's records since the Grand Jury indictment of myself. The SBI report and my confession audio CD burned by Mayodan PD Detective Christopher Todd Brim was not included in the FOIA papers packet, even though it was in my discovery packet at Mr. Coalter's Office. So what was originally used against me, may have been selectively removed from the U.S. Attorney's Office prior to my FOIA Request, since I had also faxed a copy of my FOIA Request (sent to EOUSA) to the U.S. Attorney which I have proof of. So the U.S. Attorney was aware that I wanted a copy of the confession audio and SBI forensic report, to help prove my actual Innocence, which is the purpose of my FOIA Request, so that I can get off of the Virginia Sex Offender Registry for the crime that I did not commit, and gave a false confession to because of my Autism and Obsessive Compulsive Disorder (OCD). I cannot prove my Innocence without access to the original or a copy of the entire evidence packet of what was used against me by the U.S. Attorney. My FOIA Request was a way to request a discovery and determine whether I can prove my actual Innocence to the Honorable U.S. President Donald J. Trump, for a pardon of Innocence. I am sick of having random or 3-month unannounced Virginia State Police visits because of my hand washing routines and bathing routines as caused by my Obsessive Compulsive Disorder. I have tried to find a way to stop the unannounced visits, because the State Police always usually shows up while I am washing my hands, mandating that I go up to his car to answer Sex Offender Registration questions, he is a nice guy, however the unannounced visits interfere with my OCD hand washing routines and bathing routines as apart of my Autism and OCD. I am trying to figure out how to fight the State Police unannounced visits, but my only legal option is to be acquitted and get off of the Sex Offender Registry. I am a virgin and was framed, so I never should have been convicted in the first place.

**Enclosure/Attachments:**

5. Attached hereto as Exhibit 1, is a true and correct copy of 1-Page Letter and 1-Page scan of the envelope the letter was contained within, from the Town of Mayodan by it's Clerk Melissa K. Hopper regarding denial of access to my confession audio CD. That confession was the basis of why I was forced to falsely sign the guilty plea agreement, because my confession was going to be used against me at a public Jury Trial for everybody to hear in Federal Court, but I had no means nor any rights to prove my confession to be false due to ineffective assistance of Counsel and the secretive discovery agreement between Mr. Placke and the U.S. Attorney Office. This proves that I have already made an effort to attempt to get access to or request a copy of my confession audio for the purpose of proving that my confession was false and to also prove coercion by the police detectives. I also know that Philip Edward Berger Senior is the Town Attorney while his son is formerly the District Attorney (DA) of Rockingham County and his name was in the SBI case file. My grandma even said "Phil Berger's name is written all over the discovery report" referring to his name appearing in one or more pages in the discovery packet that we saw at John Scott Coalter's office on January 22, 2015. It's a bias and conflict of interest for Phil Berger Senior (the Mayodan Town Attorney) to legally aid in Melissa K. Hopper in her denial letter to me, when his son was DA over my case before it became Federal. Phil Berger Senior denied my Constitutional and legal discovery rights in my criminal case to protect his dear ole son, who was District Attorney in 2012-2013 for Rockingham County.
6. Attached hereto as Exhibit 2, is a true and correct copy, but is a 2-Page excerpt of my four page FAX To: Town of Mayodan, Attn: Clerk Melissa K. Hopper. The last two pages are not needed in this Exhibit since those two pages are already introduced in Exhibit 1 in attachment to this letter. Transmission Ticket will also be attached to this Exhibit but will be the last page after the two page excerpt. Transmission Ticket serves as proof of receipt and transmission by the recipient FAX machine. However the phone number originally used in this electronic FAX was not 276-790-3505 but was 276-632-2599. VentaFax has that flaw where it displays the current FAX ID number instead of the original, so I state on the record the original phone number used to transmit the FAX record. Transmitted on September 19, 2016. Source is VentaFax Log Book on my HP Desktop computer.
7. Attached hereto as Exhibit 3, is a true and correct copy, but is a 4-Page excerpt of my twenty-four page FAX Attn: Mayodan Town Clerk, Melissa K. Hopper, To: Mayodan Town Clerk, Melissa K. Hopper. I make legal arguments as to why I have a right to the confession audio since I did not exhaust my "Writ of Habeas Corpus" since the plea agreement had no stipulation that I cannot file a 2255 Motion. I exhibit further frustration in this FAX transmitted letter as to why the Mayodan Police Department had a right to use my confession against me at a public Jury



Trial but is refusing to let me cross examine and analyze my confession on "audio CD" that would help prove that my confession statements were false on August 29, 2012. Transmission Ticket will also be attached to this Exhibit but will be the last page of the four-page excerpt. Transmission Ticket serves as proof of receipt and transmission by the recipient FAX machine. The Transmission Ticket is a true and correct Transmission Ticket produced by VentaFax. However the phone number originally used in this electronic FAX was not 276-790-3505 but was 276-632-2599. VentaFax has that flaw where it displays the current FAX ID number instead of the original, so I state on the record the original phone number used to transmit the FAX record. Transmitted on February 27, 2016. Proof that the Town of Mayodan ignoring and refusing to allow me to have access to my confession audio CD in accordance with my intent to file for Habeas Corpus in my Federal case for my actual Innocence. Source is VentaFax Log Book on my HP Desktop computer.

8. Attached hereto as Exhibit 4, is a true and correct copy, of a 1-Page (Letter to Mayodan Town Clerk requesting Confession Audio - 09/15/2015, 02:22 PM - Request for Confession Audio - Tuesday, September 15, 2015) request letter that was faxed to Attn: Clerk Melessa K. Hopper, To: Town of Mayodan. This letter shows that I had made a formal request for the confession audio, before getting the denial letter in Exhibit 1. Transmission Ticket serves as proof of receipt and transmission by the recipient FAX machine. However the phone number originally used in this electronic FAX was not 276-790-3505 but was 276-632-2599. VentaFax has that flaw where it displays the current FAX ID number instead of the original, so I state on the record the original phone number used to transmit the FAX record. Transmitted on September 15, 2015. Source is VentaFax Log Book on my HP Desktop computer.
9. Attached hereto as Exhibit 5, is a true and correct copy, of a 1-Page letter from the North Carolina State Bureau of Investigation (NC SBI) in response to my formal request for my SBI case file and in response to other letters I had faxed to the NC SBI. Letter is by Legal Counsel Angel E. Gray. This letter was filed on Federal criminal case Docket: Case # 1:13-cr-00435-WO, Document 71-9, Filed 04/03/15, Page 9 of 11. This is the denial letter from the NC SBI. She basically pointed out by citing from the civil lawsuit case Gannett Pacific Corp. v. NCSBI, 164 NC App 154, 595 SE 2d 162 (2004), that I will fail, even if I file a lawsuit, that they can use those records against me in a public Jury Trial, they can change their report secretly or delete anything favorable to me and I cannot do anything about it. They are basically saying I have no right to review over the evidence that was used against me in a public Jury Trial that led to me falsely pleading guilty because I had basically no real lawyer. I was doomed to be convicted from the very beginning, even if I can be found Not Guilty.
10. Attached hereto as Exhibit 6, is a true and correct copy, of a 2-Page (Questions-

Inquiry into my SBI Case Number 2012-02146 (Rodney V. White), RESPONSE TO FEBRUARY 6. 2015 LETTER-NOTICE, Friday, February 13, 1015) response letter that was faxed to Attn: Angel E. Gray, To: N.C. State Bureau of Investigation.

I was angry and criticized her response as she has little to no empathy regarding allowing me to have access to any of the evidence being used against me in my bid to proving my actual Innocence. This letter shows that I am being denied access to any discovery evidence outside of Mr. *Slackey Placke's* (A nickname I adopted from inmate Donnie Earl Robbins, aka "Slackey Placke" a public defender that will do nothing to prove anybodies innocence.) secretive discovery agreement prohibiting photocopying and forcing me to keep making appointments with my Ex-Attorney

John Scott Coalter who told me (which I consider a threat) that I will face obstruction of justice and perjury charges if I file a 2255 to attempt to prove my actual innocence, so I face these charges just to see the entire discovery packet in my criminal case to fight for my innocence. Two Transmission Tickets serves as proof of receipt and transmission by the recipient FAX machines. However the phone number originally used in this electronic FAX was not 276-790-3505 but was 276-632-2599. VentaFax has that flaw where it displays the current FAX ID number instead of the original, so I state on the record the original phone number used to transmit the FAX record. Transmitted on February 13, 2015. Source is VentaFax Log Book on my HP Desktop computer.

11. Attached hereto as Exhibit 7, is a true and correct copy, but is 4-Pages of the beginning of and an additional page excerpts of the original Search Warrant served to me and my mother by Mayodan Police Department on August 28, 2012. This shall serve as proof that the Search Warrant does exist and is on public court record, and the Police (by law) created a Inventory of the items that were seized which was also in my FOIA Response packet pursuant to FOIA Request number FOIA-2016-03570, from the Executive Office for United States Attorney (EOUSA) that is apart of the U.S. Department of Justice. This letter was filed on Federal criminal case Docket: Case 1:13-cr-00435-WO, Document 84-2, Filed 04/27/15, Pages 2 to 5 of 23. This proves that the Search Warrant does exist. It is odd that the U.S. Attorney no longer retains the original Search Warrant, since I have explained in my original FOIA Request (regarding the discovery evidence) Declaration that *"I am a Defendant in the United states District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled United States of America v. Brian David Hill, and I still have not exhausted both the 2255 Motion via Writ of Habeas Corpus and Motion for New Trial under Rule 33 of the Federal Rules of Criminal Prosecure."* In other words, the U.S. Attorney Office knew for a fact, since I sworn under Oath in my FOIA Request Declaration, that I am intending to prove my actual innocence or take it back to a Jury Trial. So why has the U.S. Attorney removed the search warrant from their records.

12. Attached hereto as Exhibit 8, is a true and correct copy, but is a 1-Page excerpt of

the uncensored Presentence Investigation (PSI) report. The PSI was filed on Federal criminal case Docket: Case 1:13-cr-00435-WO, Document 33, Filed 09/16/14, Page 6 of 26. The reason why I have decided to show a page from my PSI is a blatant admission from the Government that "According to the government, none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC)," ... "and However, the victims in this case have not filed a claim for restitution." Some statements in the PSI are embarrassing on it's face but are not true since I was coerced to giving false confession statements, but was never allowed to prove any of that in Court.

13. I have proven with these eight Exhibit attachments, that I have been stonewalled for a long time over attempting to get unfettered access to my discovery evidence for the purpose of fully working on attempting to prove my actual innocence. Certain evidence records have disappeared from the U.S. Attorney Office, after they are fully aware of my intent to take it back to a Jury Trial or file a 2255 Motion to prove my actual innocence to vacate my sentence and overturn my conviction. Exhibits 7 and 8 both show documentation as to what point I will be making in this Last Evidence letter

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2017.

Brian D. Hill  
Signed

Signed

Brian David Hill(Pro Se)

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

**U.S.W.G.O.**

# EXHIBIT 1





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*Town of Mayodan, 210 W. Main Street, Mayodan, NC. 27027. (336)427.0241. [www.townofmayodan.com](http://www.townofmayodan.com)  
James A. Collins Municipal Building*

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September 21, 2015

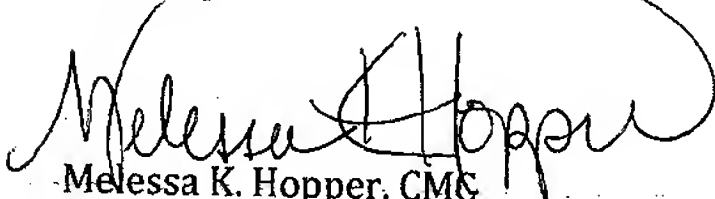
Brian David Hill  
916 Chalmers St., Apt. D  
Martinsville VA 24112

Dear Mr. Hill,

I received your request regarding the release of records from a criminal investigation from 2012. N.C. General Statutes 132-1.4 states that "Records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies... are not public records as defined by G.S. 132-1."

Please contact your legal representative for any questions regarding the release of information pertaining to criminal investigations.

Sincerely,

  
Melissa K. Hopper, CMC  
Town Clerk

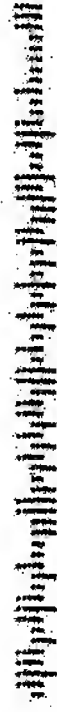
TOWN OF MAYODAN  
210 W. MAIN STREET  
MAYODAN, N.C. 27027

BRILLIANT NO. 34  
FEDERAL TRAD. AREA  
21 SEP 2015 PM 3 L



Brian David Hill  
916 Chalmers St., Apt. D  
Martinsville VA 24112

24112493976



# EXHIBIT 2

ATTN: Town of Mayodan:

The Town of Mayodan has ruined the life of an INNOCENT autistic man that gave a false confession because of his Autism.

I am making this clear, I will soon be SUING the Town of Mayodan.

I will sue the Town of Mayodan for ruining my life and refusing to let me prove my Actual Innocence.

Your Town Attorney Phil Berger should be aware, I won't back down until I prove my Innocence in Court, I will use lawsuits and inquiries until I prove my Actual Innocence. Since your town won't cooperate with my Habeas Corpus assertion, I guess your town will soon face a lawsuit.

I am sorry you got dragged into this Town Clerk, I used to love the Town of Mayodan, but this is my life that was fed to the flames.

Your Police Department caused me to attempt suicide on December 12, 2013. I almost cut my throat because of the crap I had to deal with by the Mayodan Police Department. Your Detective even convinced me that I had a sex addiction and then I figured out that I can be manipulated to make false statements that make me appear guilty. Your Town doesn't know anything about computer hackers and viruses, or maybe some people there have knowledge of how to hack into people's computers. Hackers can be easy to buy off to frame an innocent person such as myself, but I ain't implying anything by that statement.

I am dedicated to proving my Actual Innocence. I am a VIRGIN, I AM NOT A PEDOPHILE.

I won't sit and do nothing while I get interrogated by phony polygraph examiners with a 50% chance that they will see that I am being honest. I know who framed me with child porn.

I will prove my Innocence, I am clear about this. I am impeaching all of my statements made on August 29, 2012, as coercive since you won't even let me get a copy of my confession audio.

Since Mayodan wants to protect it's own interests and making a innocent man a Sex Offender, I have no choice but to start filing lawsuits and gather exculpatory evidence, on a Pro Se basis.

NOTICE is given, I will sue the Town of Mayodan shortly, in Federal Court, the same court your Police Chief used to screw me over and take away USWGO Alternative News. I will sue Mayodan in Federal Court and expose whatever involvement your Town may have in me being framed with child porn. I AM INNOCENT, I will not be subjected to constant harassment under Probation for a crime that I did not commit. I will prove my Innocence and vacate my sentence. I will be found Innocent, I will take it back to a Jury Trial.

I know how to file lawsuits myself, if I have to. I know how to file Motions and cover pages.

I only wanted to PROVE MY INNOCENCE, Melissa K. Hopper, but I guess you will protect the interests of the Town as well as Phil Berger.

I will be in alliance with Ryan Ferguson from MTV who was exonerated of murder, as well as national Innocence Projects. I will not give up until I prove my Actual Innocence. You can contact Ryan Ferguson if you want, as he is also aware that I was framed with child porn but hasn't responded to my evidence FAX.

I have set the lawsuit time for October, 2016, and I will sue for discrimination as well as Motion to compelling Mayodan Police Department to turn over my confession audio for me to permit and inspect pursuant to Discovery Rules, with audio forensic specialists and psychologists as well as linguist experts. I will SUE for the confession audio from August 29, 2012. It was used against me in Federal Court, I am involved in this case, yet you consider me a



member of the public who cannot be allowed to have access to it. I have no choice but to sue in Federal Court to impeach my August 29, 2012 confession. My confession is false and must be impeached as non-factual evidence of guilt.

- Brian D. Hill (Former USWGO Alternative News)

September 19, 2016

Date: 9/19/2016

Number of pages: 4

Attn.: Clerk Melessa K. Hopper

Recipient's number: T13364277592

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\ATTN\_ Town of MayodaError Correction: Yes

File description: ATTN\_ Town of Mayodan.pdf

Recipient's Fax ID: 3364277592

Rate: 14400 bps

Time: 12:36:36 AM

Session duration: 2:45

To: Town of Mayodan

Message type: Fax

Resolution: 200\*200 dpi

Record number: 4521

ATTN: Town of Mayodan:

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# EXHIBIT 3

**LEGAL ARGUMENTS AND ADDITIONAL EVIDENCE FAX TO TOWN  
OF MAYODAN OVER PROVING ACTUAL INNOCENCE IN MY PUSH**

**RECEIPT CONFIRMATION  
REQUESTED**

**TO OVERTURN CONVICTION**  
**Saturday, February 27, 2016 - 02:55 AM**

**URGENT**

**ATTN: Melissa K. Hopper (Lessa Hopper), Town Clerk,**  
**NC-CMC, IIMC-CMC**

**Town of Mayodan, in North Carolina**  
**James A. Collins Municipal Building**  
**Town Hall: 210 West Main Street, Mayodan NC 27027**  
**Phone: (336) 427-0241 Fax: (336) 427-7592**

**- FAX TRANSMISSION -**  
**PROOF OF FAX**  
**TRANSMISSION RECORD**  
**RETAINED BY THIRD**  
**PARTY PHONE COMPANY**  
**CC: Town Attorney; CC:**  
**Mayor; CC: Town Council**

Copy will also be faxed to the N.C. Attorney General's Office and possibly the Justice and Public Safety  
Oversight Committee

Dear the Honorable Town Clerk Melissa K. Hopper,

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I, Brian David Hill, file this Pro Se (separate) legal letter with Additional Evidence  
exhibited and Legal Arguments as to why I, Brian David Hill am Innocent of the original  
criminal investigation and charge regarding possession of child pornography in the  
United States District Court, Middle District of North Carolina, Docket # 1:13-cr-435-1,  
case: United States of America v. Brian David Hill.

I argue for myself in only this one letter. I am doing this as I wish to push for my  
Innocence as I have already asserted within the Federal Court record. I am still  
represented by Legal Counsel Cynthia Everson. I am only filing this Pro Se to try to reach  
a understanding with the Town of Mayodan as to why they should turn over a copy of my  
August 29, 2012, confession audio, to my Attorney Ms. Cynthia Everson, or allow my  
Attorney to review the audio at the Police Station. All within my legal privilege of Writ of  
Habeas Corpus. I have not exhausted my Writ of Habeas Corpus and still have the right  
to file such Motion under Title 28 U.S. Code § 2255. However I must have evidence of  
Actual Innocence to support my claim for which the Court would grant an evidentiary



**hearing. I already have evidence that supports my argument that my confession made on August 29, 2012, in front of Detective Christopher Todd Brim and Reidsville Police Detective Robert Bridge, is contradictory to the claims made in State Bureau of Investigation (SBI) Special Agent Rodney V. White's forensic report. Such statements can be proven false and contradicts the facts of the case. Such statements can be subject to Suppression. The only reason such statements were not suppressed, and one of many reasons why I had falsely plead guilty was due to ineffective assistance of Counsel. Eric David Placke, the Assistant Federal Public Defender, my former Legal Counsel was deficit in his performance and that such deficiency was in prejudice to the Defense. He had refused to bring up any of my valid claims of the false confession at the June 4, 2014 Suppression hearing. He also did not raise the contradictions in my Confession and did not hire a Independent forensic Psychiatrist/Psychologist which would evaluate my false statements along with my diagnosis of Autism Spectrum Disorder and Obsessive Compulsive Disorder (OCD). He also did not ask for a independent computer forensic examination which would aid me in my Defense. I have many valid claims, and even contradictions within my guilty plea, versus my later Motion to withdraw my guilty plea, then stating my deteriorating health as a reason I had falsely plead guilty, which can be proven within a Court of Law. I can prove beyond doubt that I had ineffective assistance of Counsel in support of U.S. Supreme Court case Strickland v. Washington (1984). Also under U.S. v. Massaro, the Supreme Court further ruled as case law that a ineffective assistance of Counsel claim may be brought up within a collateral attack in a Title 28 U.S. Code § 2255 Motion. Actual Innocence and ineffective counsel claims can be used.**

**Mayodan Police Department is the original seizing agency that pushed for and brought the charge of Possession of Child Pornography to the U.S. Attorney Assistant Anand Prakash Ramaswamy. The Mayodan Police Department was also responsible for turning over the August 29, 2012, confession audio to the U.S. Attorney. It was to be used against me in a public Jury Trial within the L. Richardon Preyer Federal Building and U.S. Courthouse, located at 324 W. Market St, Greensboro, N.C. 27401. Therefore I argue that my Defense Attorney has the right to review over the evidence that was used against me within my ability to file a Federal Writ of Habeas Corpus Petition.**

**Also it has been well known to me and my family since 2013 that the North Carolina Justice Academy had a training course for all Law Enforcement agencies including Police Departments concerning Autism and how to handle suspects with Autism. One such issue that the training course brought up is the fact that people with Autism can give a false confession to a interrogator, especially when tortured, coerced, or threatened with consequences for failing to admit guilt.**

**The Detectives told me and my witness Roberta Hill, that evidence was found on my Black Toshiba laptop Computer, evidence that would constitute my guilt without the usage of a State Crime Lab scientist or technician. Because the Police Detectives are not licensed IT crime lab technicians under the standards of the State Crime Laboratory, such browsing through my computer files can lead to tampering and mishandling of evidence. That is evident in even SBI Agent White's report that child pornography files had been downloading between the dates July 20, 2012, and July 28, 2013. I have four witnesses that are willing to testify about those dates witnessed on the Discovery evidence**

that even Attorney John Scott Coalter allowed us to take notes of the evidence material.

Four witnesses include Roberta Hill, Stella Forinash, Kenneth Forinash, and myself.

There are also two other witnesses such as Attorney John Scott Coalter himself and his paralegal assistant Braxton. Six witnesses in total are aware that child pornography was

confirmed to have downloaded to my Black Toshiba Laptop Computer, Satellite C655D,

Serial # 2C276987Q, from "July 20, 2012, and July 28, 2013." How is it possible for child

porn to be downloading for exactly eleven months after the fact that it was seized by the

Mayodan Police Department? Only less then 2 months it was in my custody according to

Agent White's report. So how could child porn be downloading when it changed hands

from Brian David Hill, to Mayodan Police Department, to the N.C. State Bureau of

Investigation, and it stayed there ever since. There are logical reasons as to why child

pornography would continuously download child porn regardless of whom held custody

of my Black Toshiba Laptop Computer, Satellite C655D, Serial # 2C276987Q. The only

logical conclusion to which would prove my Actual Innocence is that a computer Virus or

Trojan Horse had downloaded child porn to my computer since July 20, 2012, and

continued downloading to my computer during the State investigation phase. That would

also mean that no forensic computer tower was used to look for suspected child porn on

my computer. It appears that both Detectives and SBI Agent White had looked for files on

my Laptop themselves without usage of a sandbox computer system to analyze the

Computer and/or it's hard drive. It also appears that the Laptop in question had

remained on the internet to continuously download child porn. The computer virus in

question (Exhibit A) is the Win32/MoliVampire.A and Variant B, as reported by the ESET

Date: 2/27/2016

Number of pages: 24

Attn.: Mayodan Town Clerk, Melissa K. Hopper

Recipient's number: +1(336)427-7592

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Arguments and additionalEvidenceCorrection: Noan Clerk(3)(Signed, READY to FAX) {2016-02-27}.tif

File description: Arguments and additional evidence to Mayodan Clerk(3)(Signed, R Resolution: 200\*200 dpi

Recipient's Fax ID:

Rate: 14400 bps

Time: 5:37:55 AM

Session duration: 24:23

To: Mayodan Town Clerk, Melissa K. Hopper

Message type: Fax

Record number: 3121

Page 1/15 - Legal Arguments and Additional Evidence to Town of Mayodan - 02/27/2016

**LEGAL ARGUMENTS AND ADDITIONAL EVIDENCE FAX TO TOWN  
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**- FAX TRANSMISSION -**  
**PROOF OF FAX**  
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**Mayor; CC: Town Council**

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Oversight Committee

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Actual Innocence to support my claim for which the Court would grant an evidentiary

# EXHIBIT 4



02:22 PM - Request for Confession Audio - Tuesday, September 15, 2015

Town of Mayodan

Lessa Hopper, NC-CMC, IIMC-CMC

Town Clerk, Finance

Email: mhopper@townofmayodan.com

Phone: (336) 427-0241

Fax: (336) 427-7592

Address: Town Hall 210 West Main Street Mayodan NC 27027

CC: Mayor Jeffrey Bullins and Town Councilor Buddy Martin

Dear the Honorable Town Clerk Melissa K. Hopper,

**URGENT**

On August 29, 2012 I Brian David Hill made a false confession at the Mayodan Police Department station at around close to lunch time that day. I am attempting to prove my Innocence to overturn my criminal conviction via Writ of Habeas Corpus. I made a false confession due to my Autism Spectrum Disorder. I am sure you have noticed that I was very passionate about my political work of We Are Change NC and USWGO Alternative News. My Autism caused me to make political moves that weren't smart so I was framed with child pornography. My only chance to reverse my conviction is that my lawyer analyse my confession audio from August 29, 2012. I am also aware that Mayodan Police Detective Christopher Todd Brim burned the fragment of audio recordings of my confession to a audio CD which a copy was turned over to U.S. Attorney Ripley Rand. U.S. Attorney Rand has refused to give a copy to my lawyer Cynthia Everson which is determined to prove my Innocence. The feds wanted to wrongfully convict me on a Sex crime as revenge for me trying to nullify their Federal law the National Defense Authorization Act, to keep me as a Sex Offender for a very long time even though I am a virgin. I cannot even go on dates, I am not even allowed to use the internet, I am stuck on strict Federal Probation with many restrictions on my life, my young life is ruined forever so I have committed myself to fighting this conviction even at the risk of my life.

I shouldn't have to register as a Sex Offender as a result of falsely confessing, so I need your help. I need a copy of the audio CD of my false confession made on August 29, 2012 delivered over to my lawyer, Cynthia Everson. Since the Police Chief is refusing to hand over the audio to my new lawyer then I am asking you and the Mayor (since you all know me from 2012) to overrule the police chief with a special session of the town council, I ask that you give copies of this fax to all town Council-people asking to file a Town Resolution granting my lawyer a copy of my August 29, 2012 confession at the Mayodan Police Station. I need that confession audio ASAP!!!!!!!!!!!!

I must prove my Innocence and overturn my criminal conviction so I get my life back.

Attorney: Cynthia Everson, Everson Law Firm, PLLC

52 Union St. S., Ste 7, Concord, NC 28025

Phone: (704) 674-8007

Fax: (866) 813-4446 ; Email: [cynthia@eversonlawoffice.net](mailto:cynthia@eversonlawoffice.net)

Sincerely,

Brian David Hill

Former U.S.W.G.O. Alternative News reporter and founder  
Former FederalJack reporter and We Are Change NC member  
Home Phone #: (276) 632-2599

916 Chalmers St., Apt. D  
Martinsville, VA 24112

**U.S.W.G.O.**

*Brian D. Hill*  
Signed

*U.S.W.G.O. Alternative News*  
Former

Date: 9/15/2015  
Number of pages: 1  
Attn.: Clerk Melessa K. Hopper  
Recipient's number: T13364277592

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Letter to Mayodan TownError Correction: Yes1 audio(Signed, READY to FAX) {2015-09-15}.tif  
File description: Letter to Mayodan Town Clerk over confession audio(Signed, REARResolution: 200\*200 dpi  
Recipient's Fax ID:  
Rate: 12000 bps

Time: 2:30:06 PM  
Session duration: 3:37  
To: Town of Mayodan  
Message type: Fax

Record number: 1945

**Page 1/1 - Letter to Mayodan Town Clerk requesting Confession Audio - 09/15/2015**

**02:22 PM - Request for Confession Audio - Tuesday, September 15, 2015**

Town of Mayodan  
Lessa Hopper, NC-CMC, IIMC-CMC  
Town Clerk, Finance  
Email: [mhopper@townofmayodan.com](mailto:mhopper@townofmayodan.com)  
Phone: (336) 427-0241  
Fax: (336) 427-7592

**URGENT**

Address: Town Hall 210 West Main Street Mayodan NC 27027  
CC: Mayor Jeffrey Bullins and Town Councilor Buddy Martin  
Dear the Honorable Town Clerk Melissa K. Hopper,

On August 29, 2012 I Brian David Hill made a false confession at the Mayodan Police Department station at around close to lunch time that day. I am attempting to prove my Innocence to overturn my criminal conviction via Writ of Habeas Corpus. I made a false confession due to my Autism Spectrum Disorder. I am sure you have noticed that I was very passionate about my political work of We Are Change NC and USWGO Alternative News. My Autism caused me to make political moves that weren't smart so I was framed with child pornography. My only chance to reverse my conviction is that my lawyer analyse my confession audio from August 29, 2012. I am also aware that Mayodan Police Detective Christopher Todd Brim burned the fragment of audio recordings of my confession to a audio CD which a copy was turned over to U.S. Attorney Ripley Rand. U.S. Attorney Rand has refused to give a copy to my lawyer Cynthia Everson which is determined to prove my Innocence. The feds wanted to wrongfully convict me on a Sex crime as revenge for me trying to nullify their Federal law the National Defense Authorization Act, to keep me as a Sex Offender for a very long time even though I am a virgin. I cannot even go on dates, I am not even allowed to use the internet, I am stuck on strict Federal Probation with many restrictions on my life, my young life is ruined forever so I have committed myself to fighting this conviction even at the risk of my life.

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I must prove my Innocence and overturn my criminal conviction so I get my life back.  
Attorney: Cynthia Everson, Everson Law Firm, PLLC  
52 Union St. S., Ste 7, Concord, NC 28025  
Phone: (704) 674-8007  
Fax: (866) 813-4446 ; Email: [cynthia@eversonlawoffice.net](mailto:cynthia@eversonlawoffice.net)

Sincerely,  
Brian David Hill

Former U.S.W.G.O. Alternative News reporter and founder  
Former FederalJack reporter and We Are Change NC member  
Home Phone #: (276) 632-2599

**916 Chalmers St., Apt. D  
Martinsville, VA 24112**

**U.S.W.G.O.**

*Brian D. Hill*  
*Signed*  
*U.S.W.G.O. Alternative News*  
*Former*

# EXHIBIT 5



NORTH CAROLINA  
STATE BUREAU OF INVESTIGATION



PAT MCCRORY  
GOVERNOR

3320 GARNER ROAD  
PO BOX 29500  
RALEIGH, NC 27626-0500  
(919) 662-4500  
FAX: (919) 662-4523

B. W. COLLIER  
ACTING DIRECTOR

February 6, 2015

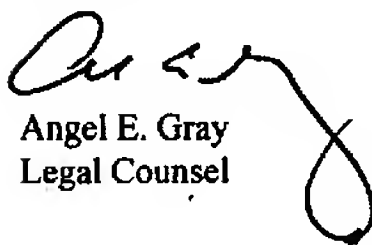
Mr. Brian D. Hill  
916 Chalmers St., Apt. D  
Martinsville, VA 24112

Dear Mr. Hill:

I am in receipt of your seven letters asking various questions and requesting copies of the SBI criminal investigative file related to your case.

In your letters, you stated that you had counsel represent you in your criminal case. Please address your questions to either your trial counsel or your appellate attorney. In addition, criminal investigative files compiled by the SBI are made confidential by statutes and appellate case law. N.C.G.S. §132-1.4 provides that records of criminal investigations and records of criminal intelligence information are not public records. The N.C. Court of Appeals has held that SBI records can only be released to the prosecuting attorney or by order of a court of competent jurisdiction, to include a request for discovery in criminal and civil cases. Gannett Pacific Corp. v. NCSBI, 164 NC App 154, 595 SE 2d 162 (2004). Again, you would need to work with your trial counsel or the District Attorney's Office to obtain a copy of the SBI file in this matter.

Sincerely,



Angel E. Gray  
Legal Counsel

# EXHIBIT 6

**ATTN: ANGEL E. GRAY**

**Page 1/1 - February 13, 2015 - 11:56 AM - Letter to Angel E. Gray**

**Questions – Inquiry into my SBI Case Number 2012-02146(Rodney V. White)  
RESPONSE TO FEBRUARY 6, 2015 LETTER – NOTICE  
Friday, February 13, 2015**

Angel E. Gray  
Counsel for the North Carolina State Bureau of Investigation  
P.O. Box 29500  
3320 Garner Road  
Raleigh, NC 27626-0500  
(919) 662-4500

Dear Angel E. Gray,

I understand from what you have stated in your Feb 6th letter, that it looks like I will have to subpoena both you and Special Agent Rodney White to inquire on his possible misconduct and failure to follow proper policy and procedure.

I also will attach a threatening email I received that claimed some SBI people were involved in setting me up with child porn, that very email I had received which was attached as evidence in a email that I asked was forwarded from Joy Strickland(about my Innocence) to Agent White which he admitted to have received from me in the presence of a U.S. Marshal. Since Agent White knew of my innocence yet did everything he could to make me a registered sex offender for a crime I didn't commit and may not have even followed proper protocol, I will have to get a court order to hold Agent White accountable since you don't want to hold him accountable and Ombudsman can't hold him accountable.

I will either file a Petition for the Writ of Habeas Corpus or Appeal my federal conviction back to a trial, then the next thing my lawyer will do is work with the court to issue two subpoenas, one for you, and one for Special Agent Rodney White in the Greensboro, NC SBI Office at 501 Industrial Drive. I will go ahead and work with the lawyer to make sure everything was done proper according to law unlike Agent White not doing anything by usual procedure. There wasn't even a chain of custody on the property that was supposedly examined by Agent White. There are coverups going on and I am going to find out whom is covering up the truth. I ain't going to be a registered sex offender for fifteen years thanks to your agencies misconduct when I didn't even commit the crime. I believe child porn was planted on my computer according to my independent investigation and evidence of that investigation, yet Agent White had either failed or refused to respond and covering up the truth.

Also I don't understand how you can keep a SBI Case file confidential while using it against me as evidence in a public Jury Trial in open court. What you have claimed is one sided and violates my Constitutional rights that you can use a SBI case file against me in a public court trial yet I am not allowed to see this case file to come up with a defense to the criminal charge against me. Your SBI has violated every Constitutional right I ever had then forcing me to register as a sex offender for a crime I never committed. I am definitely planning to take all my letters I sent to and received from the SBI and make copies for the media to review. I'm sure the media would love to hear about this.

*I should not have been a sex offender.*

(Electronically Signed:)Sincerely,

Brian David Hill

(276)632-2599

[admin@uswgo.com](mailto:admin@uswgo.com)

916 Chalmers St., Apt. D  
Martinsville, VA 24112

*Brian D. Hill*  
*Signed*

**Brian D. Hill**  
*Signed*

**ATTN: ANGEL E. GRAY**



**From:** <[johnsnatchz@tormail.org](mailto:johnsnatchz@tormail.org)>  
**Date:** Sun, Apr 7, 2013 at 5:30 AM  
**Subject:** You better watch out.....  
**To:** [admin@uswgo.com](mailto:admin@uswgo.com)

**You better watch out Brian...We are watching you...Having child porn planted on your hard drives and computer was only the beginning and we will set you up for violent sex crimes if you don't watch your back...Have fun becoming a sex offender...Police won't believe you no matter how much evidence you have that you been set up we know some people in the SBI who will make sure you are convicted. You will be shut up by being a sex criminal. Your friends Alex Jones, Dan, James, Sean, Alex, and others are next...BeWare!**

Date: 2/13/2015  
Number of pages: 2  
Attn.: Angel E. Gray

Recipient's number: +1(919)716-6750

Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Response to Angel E. Gray Error Correction: Yes ready to FAX) {2015-02-13} (3).tif

File description: Response to Angel E. Gray NC SBI(Signed, Ready to FAX).pdf Resolution: 200\*200 dpi

Recipient's Fax ID: 9197166750

Rate: 14400 bps

Time: 12:40:10 PM

Session duration: 2:06

To: N.C. State Bureau of Investigation

Message type: Fax

Record number: 909

**ATTN: ANGEL E. GRAY**

**Page 1/1 - February 13, 2015 - 11:56 AM - Letter to Angel E. Gray**

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RESPONSE TO FEBRUARY 6, 2015 LETTER – NOTICE  
Friday, February 13, 2015**

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Counsel for the North Carolina State Bureau of Investigation  
P.O. Box 29500  
3320 Garner Road  
Raleigh, NC 27626-0500  
(919) 662-4500

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*I should not have been a sex offender.*

*This whole case is all wrong.*

*Brian D. Hill*  
*Signed*

**Brian D. Hill**  
*Signed*

(Electronically Signed:)Sincerely,

Brian David Hill

(276)632-2599

[admin@uswgo.com](mailto:admin@uswgo.com)

916 Chalmers St., Apt. D  
Martinsville, VA 24112

**ATTN: ANGEL E. GRAY**

Date: 2/13/2015  
Number of pages: 2  
Attn.: Angel E. Gray

Recipient's number: +1(919)662-4523

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Response to Angel E. Gray NC SBI(Signed, Ready to FAX).pdf

File description: Response to Angel E. Gray NC SBI(Signed, Ready to FAX).pdf

Recipient's Fax ID: 9196624523

Rate: 14400 bps

Time: 12:42:30 PM

Session duration: 1:59

To: N.C. State Bureau of Investigation

Message type: Fax

Error Correction: Yes ready to FAX) {2015-02-13} (3).tif

Resolution: 200\*200 dpi

Record number: 911

**ATTN: ANGEL E. GRAY**

**Page 1/1 - February 13, 2015 - 11:56 AM - Letter to Angel E. Gray**

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Friday, February 13, 2015**

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Counsel for the North Carolina State Bureau of Investigation  
P.O. Box 29500  
3320 Garner Road  
Raleigh, NC 27626-0500  
(919) 662-4500

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*I should not have been a sex offender.*

*This whole case is all wrong.*

*Brian D. Hill*  
*Signed*

**Brian D. Hill**  
*Signed*

(Electronically Signed:) Sincerely,

Brian David Hill  
(276)632-2599

[admin@uswgo.com](mailto:admin@uswgo.com)

916 Chalmers St., Apt. D  
Martinsville, VA 24112

**ATTN: ANGEL E. GRAY**

# EXHIBIT 7

COPY

File No.		STATE OF NORTH CAROLINA		In The General Court Of Justice District/Superior Court Division	
		Rockingham	County		
<b>SEARCH WARRANT</b>					
IN THE MATTER OF					
Robertia Hill and Brian Hill					
Date Issued	8/28/12	Time Issued	11:30	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	
Name Of Applicant	Todd Brim				
Name Of Additional Affiant	Robert Bridge				
Name Of Additional Affiant					
<b>RETURN OF SERVICE</b>					
I certify that this Search Warrant was received and executed as follows:					
Date Received		Time Received		<input type="checkbox"/> AM <input type="checkbox"/> PM	
Date Executed		Time Executed		<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> I made a search of _____					
_____ as commanded.					
<input type="checkbox"/> I seized the items listed on the attached inventory.					
<input type="checkbox"/> I did not seize any items.					
<input type="checkbox"/> This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.					
Name Of Officer Making Return (Type Or Print)		Date		Time	Signature Of Magistrate
				<input type="checkbox"/> AM <input type="checkbox"/> PM	
Signature Of Officer Making Return		This Search Warrant was returned to the undersigned clerk on the date and time shown below.			
Department Or Agency Of Officer		Date		Time	Signature Of Clerk
				<input type="checkbox"/> AM <input type="checkbox"/> PM	
					<input type="checkbox"/> Dep CSC <input type="checkbox"/> Asst CSC <input type="checkbox"/> CSC

## APPLICATION FOR SEARCH WARRANT

I, Sergeant Todd Brim, Mayodan Police Department

(insert name and address; or if law enforcement officer, name, rank and agency)

being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that (Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested)

Attachment A

constitutes evidence of a crime and the identity of a person participating in a crime, (Name crime) Second Degree Sexual Exploitation of a Minor

and is located (Check appropriate box(es) and fill-in specified information)

☒ in the following premises (Give address and, if useful, describe premises)

Attachment B

(and)

☒ on the following person(s) (Give name(s) and, if useful, describe person(s))

Attachment B

(and)

☒ in the following vehicle(s) (Describe vehicle(s))

Attachment B

(and)

☐ (Name and/or describe other places or items to be searched, if applicable)

The applicant swears or affirms to the following facts to establish probable cause for the issuance of a search warrant:

Attachment C and Attachment D

SWORN/AFFIRMED AND SUSCRIBED TO BEFORE ME

Date

8/28/12

Name Of Applicant (Type Or Print)

Todd Brim Robert Brim

Signature

Signature Of Applicant

Todd Brim Robert Brim

☒ Magistrate

☐ Dep. CSC

☐ Asst. CSC

☐ Clerk Of Superior Court

☒ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by Det. Robert Bridge, Reidsville Police Department

☐ In addition to the affidavit included above, this application is supported by sworn testimony, given by \_\_\_\_\_

This testimony has been (check appropriate box) ☐ reduced to writing

☐ tape recorded and I have filed each with the clerk.

NOTE: If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.



## ATTACHMENT A

### ITEMS TO BE SEIZED

The following materials which constitute evidence of the commission of a criminal offense; or contraband, the fruits of crime, or property designed or intended for use or which is or has been used as the means of committing a criminal offense, namely a violation of NCGS 14-190.17:

1. Computers and computer related storage media including, but not limited to, hard drives, thumb drives, CDs, DVDs, floppy disks, flash media, memory sticks, iPods, PDAs (Personal Digital Assistant), cell phones and any other mobile wireless devices, and other magnetic, digital, and/or optical recording media.
2. Records evidencing use or moderation of a Gnutella P2P network including, but not limited to, screen names, filenames, digital pictures, dates/times of posted images,
3. IP connection information related to the postings.
4. Graphic and movie files (including, but not limited to, files bearing file extensions .JPG, .GIF, .TIF, .AVI, .MPG, and WMV,), and the data within the aforesaid objects relating to said materials, which may be, or are, used to visually depict child pornography or child erotica.
5. Computer programs capable of viewing graphic files.
6. Text files containing information pertaining to the interest in child pornography or sexual activity with children and/or pertaining to the production, trafficking in, or possession of child pornography.
7. Correspondence, including, but not limited to, electronic mail, chat logs, and electronic messages, pertaining to the trafficking in, production of, or possession of visual depictions of minors engaged in sexually explicit conduct, as defined in NCGS 14-190.17.
8. Correspondence including, but not limited to electronic mail, chat logs, electronic messages, soliciting minors to engage in sexually explicit conduct for the purposes of committing an unlawful sex act and/or producing child pornography.
9. Any child pornography in any form including, but not limited to, photographs, magazines, photocopies of photographs, videocassette tapes, and computer text or images.
10. Names and addresses of minors visually depicted while engaged in sexually explicit conduct.
11. Files depicting sexual conduct, whether between adults or between adults and minors.
12. Any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography.
13. Any and all documents and records pertaining to the purchase of color photographs or the purchase of any child pornography.
14. Notations of any password that may control access to a computer operating system or individual computer files. Evidence of payment for child pornography, including but not limited to: cancelled checks, money order receipts, or a debit entry in a computer software finance program or credit card statement.
15. Computers, keyboards, tapes, cassettes, cartridges, streaming tape, commercial software and hardware, computer disks, disks drives, monitors, computer printers, modems, tape drives, disk applications programs, data disks, system disk operating systems, magnetic media floppy disks, Secure Digital Disks, USB Drives, digital cameras, hardware and software operating manuals, tape systems and hard drive.

2 W. H. B. 8/28/12  
Signature: Judicial Official/Date

G. Brin 8/28/12  
Signature: Law Enforcement/Date

\_\_\_\_\_  
Additional Affiant: Signature/Date

Heagles 8/28/12  
Additional Affiant: Signature/Date

1

Todd Brim, Detective Sergeant

Mayodan Police Department

T Brim

Sworn to and subscribed before

Me this, the 28 day of August, 2012

J. Todd Brim

Judicial Official

J. Todd Brim 8/28/12

Signature: Judicial Official/Date

T Brim 8/28/12

Signature: Law Enforcement/Date

Additional Affiant: Signature/Date

None 8/28/12

Additional Affiant: Signature/Date

2

63. When a file has successfully completed the download process the UIS notifies your affiant electronically. The UIS, being based on P2P program design, ensures that files are obtained directly from the target IP address – assuring a single-source download so that any downloaded file comes directly from the suspect IP address.
64. Your Affiant has validated the UIS by conducting investigations manually using publicly available P2P clients and compared the results with the automated UIS process and found the results to be exactly the same.

#### **SPECIFIC FACTS ABOUT THE IP ADDRESS AND PLACE TO BE SEARCHED**

65. The IP address 24.148.156.211 was first logged in the CPS undercover system by the automated tools previously described on 07/20/2012 offering to participate in the distribution of child Pornography known to me. Between 07/20/2012 and 07/26/2012, the IP address 24.148.156.211 was logged, showing a continual pattern of child pornography, by the automated tools. That IP address was logged as offering to participate in the distribution of 3 files of known or suspected child pornography during that period of time. Of those 3 files logged your affiant has seen in prior investigation and can attest that he knows personally that 2 of them are indeed child pornography as defined by the North Carolina General Statutes. The other 1 are known by other officers participating in the undercover operation to be child pornography. The 2 that are known by your affiant can be described as follows:

Ed2k hash value: 60492779477159DD2DA1DB8EE57D6995. File name: "Ptsc Mom & Daughter In Bath.mpg." Detective Bridge has personally seen and knows the file with this digital signature to be a movie file that shows an adult female in a shower with a prepubescent female. Later in the video, the prepubescent female is show masturbating and using a vibrator. The adult female and prepubescent female engage in oral sex, along with other sex acts.

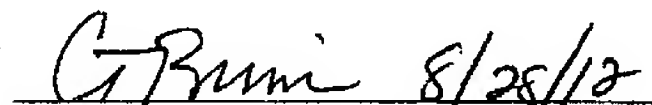
ED2k hash value: A09A2871D9140290B87128F7FD593234. File Name: "(Pthc) Russia 10Yo-11Yo Little Brother And Sister-2 - Boy&Girls Fucking\_ Just Posing Or Naked 1.avi". Detective Bridge has personally seen and knows the file with this digital signature to be a video that shows two preteen boys on a bed who get nude and have sex in various positions with a young teen girl. Other clips show nude children playing in the sand and in various sexual positions on a bed.

66. Utilizing the UIS, your affiant connected to the IP address 24.148.156.211 on July 21, 2012 between 0550 hrs EDT and 1639 HRS EDT and was able to directly download parts (1153339KB) of 2 video files of the sexual performance of a child. Your affiant has viewed the said file and it is believed to be Child Pornography based upon North Carolina Statutes, and is described as follows:

The file names were Mom & Daughter In Bath.mpg with an ED2k hash value of 60492779477159DD2DA1DB8EE57D6995 Detective Bridge has personally seen and knows the file with this digital signature to be a movie file that shows an adult female in a shower

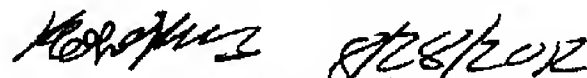


Signature: Judicial Official/Date



Signature: Law Enforcement/Date

Additional Affiant: Signature/Date



Additional Affiant: Signature/Date

# EXHIBIT 8

he masturbates to child pornography and “needs help.” He prefers to look at children, ages 12 to 13.

9. Detectives determined the IP address 24.148.156.211 was first logged into the Child Protection Systems (CPS) undercover system by the automated tools on July 20, 2012 offering to participate in the distribution of child pornography. Between July 20, 2012, and July 26, 2012, the IP address 24.148.156.211 was logged, showing a continual pattern of child pornography, by the automated tools.
10. Based on the investigation, 5,276 images and 93 videos (some exceeding five minutes) were located. Some of the images/videos contained infants and sadistic/masochistic images. *(Note: According to USSG §2G2.2, comment. (n.4(B)(ii), “Each video, video-clip, movie, or similar visual depiction shall be considered to have 75 images”) Therefore, 93 videos is equivalent to 6,975 images.*
11. **For guideline calculations, Defendant Hill is held accountable for 12,251 images.**

#### **Victim Impact**

12. The use of innocent children in the production and distribution of pornographic material is harmful to society as a whole and to the children depicted in the materials. While not all of the children depicted in the images have been identified, child pornography victimizes the children used in the production of such materials, and children, in general, by creating a supply and demand for such depictions. The psychological harm caused to the children is immeasurable.
13. According to the government, none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC). According to 18 U.S.C. § 2259, restitution is mandatory for the full amount of the victim’s losses to include the following: medical services related to physical, psychiatric, or psychological care; physical and occupational therapy or rehabilitation; necessary transportation, temporary housing, and child care expenses; lost income; attorneys’ fees, as well as other costs incurred; and any other losses suffered by the victim as a proximate result of the offense. However, the victims in this case have not filed a claim for restitution.

#### **Adjustment for Obstruction of Justice**

14. The probation officer has no information indicating the defendant impeded or obstructed justice.

#### **Adjustment for Acceptance of Responsibility**

15. The defendant’s attorney, on behalf of the defendant, submitted the following typed-signed statement: “I am BRIAN DAVID HILL, the Defendant in the above-captioned case. On June 10, 2014, I pled guilty to the charge in the indictment. I pled guilty because I am, in fact, guilty of that charge in the indictment. I admit that the allegations in that charge are true, and that the elements of that charge correctly describe what I did.